

REPORT BY THE

11292

# Comptroller General

OF THE UNITED STATES

## Department Of Justice Making Efforts To Improve Litigative Management Information Systems

The Department of Justice long has had difficulty in responding to the informational requests and needs of congressional committees and the Office of Management and Budget in the litigation area. Past GAO audits have been hampered because information was not available to measure the scope, progress, and results of litigation activities.

Recognizing its shortcomings, the Department of Justice is planning, or has recently implemented, information systems that will provide summary data on the utilization of resources and the many cases handled. While it is too early to assess the success of these efforts, Justice is moving in the right direction.

The report was requested by the Chairman, Subcommittee on Government Information and Individual Rights, House Committee on Government Operations.



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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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The Honorable Richardson Preyer  
Chairman, Subcommittee on Government  
Information and Individual Rights  
Committee on Government Operations  
House of Representatives

Dear Mr. Chairman:

Your January 3, 1979, letter asked that we assess the Department of Justice's management information systems. In subsequent discussions, your office requested that we (1) summarize past audit experiences of our office where problems were encountered with management information systems, (2) determine what efforts were being made to improve management information systems, and (3) limit our work to the Civil, Civil Rights, Criminal, and Tax Divisions and the Executive Office for U.S. Attorneys. - 1100

The results of our study are summarized below and discussed in detail in the appendixes. The information presented in the appendixes was developed from interviews with Justice officials and records of the litigation groups and Justice's Office of Management and Finance.

- Congressional committees and the Office of Management and Budget have noted that summary data for supporting budget requests and for evaluating the efforts of litigation programs have not been available. (See app. I.)
- Justice has recognized a need for developing litigation management information systems that would detail how staff resources are used and the relationships between workloads, types, and complexities of cases. (See app. I.)
- Past GAO audits have disclosed that Justice maintains little, if any, management data which could be used to measure the scope, progress, and results of various litigation activities. (See app. I.)

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## ABBREVIATIONS

ACCSYS	Automated Caseload and Collections System
JIMS	Justice Information Management System
OMB	Office of Management and Budget

JUSTICE LACKS SUFFICIENT INFORMATION  
ON ITS LITIGATION ACTIVITIES

Over the years, concerns and complaints have been voiced about the Justice Department's general inability to provide sufficient information concerning its litigation activities. Congressional committees, the Office of Management and Budget (OMB), and our office's (past audits have noted the absence of available data supporting budget requests and/or data by which to measure, track, and evaluate litigation efforts. An internal Justice study of litigation management bore out the validity of these concerns.)

INDEPENDENT OVERSIGHT AND  
EVALUATION HAS BEEN IMPEDED BY A  
LACK OF MANAGEMENT INFORMATION

The records of congressional appropriation and oversight hearings are replete with instances where Justice officials could not provide answers to requests for specific details on the magnitude of a particular problem or the level of Justice's efforts. For example:

- The issue of fraud against the Government has received wide attention in recent years. Congressional efforts to determine the scope of the problem and Justice's efforts to combat it were unsuccessful because of the lack of management information.
- The Senate Committee on the Judiciary attempted to determine the amount of uncollected judgments or fines won by Justice in court cases. Justice provided different estimates varying between \$500 million and \$1 billion.
- The Senate Committee on the Judiciary has been concerned about Justice's litigation management information capabilities. In its Department of Justice authorization bill (S. 1157, dated May 15, 1979) the Committee required that Justice develop a comprehensive plan for managing its litigation caseload by January 1980.

- The lack of summary information has resulted because Justice does not have information systems that detail how staff resources are used or provide readily retrievable data on the many thousands of cases and matters handled. (See app. II.)
- Justice has been taking steps to establish management information systems. It has committed about \$1 million on active projects in the last 2 years. (See app. III.)
- The litigative groups have recently implemented or are planning to implement staff time reporting and automated case management information systems. (See app. IV.)
- The information systems implemented or under development vary in format and level of detail. Thus, uniform data on litigation activities will not result. (See app. V.)

While much remains to be done, Justice is now making an effort toward improving the availability of information on litigation activities. At present, it is too early to assess the success of these efforts, but considering the past situation the steps being taken are a move in the right direction.

Your Subcommittee has expressed particular concern that the current efforts by Justice to improve management information systems on the litigation activities will not result in uniform data being reported. Whether Justice will ultimately develop uniform data on litigation activities is unknown at this time. However, Justice plans to consider the feasibility and desirability of a departmentwide management information system.

Uniform data on staff time expended and specific case information could be maintained. Staff time expended should be shown by all litigation activities on individual cases and matters. This could provide Justice with a data base for comparing and projecting resources needed and the resources available to handle existing caseloads. Such information would no doubt alleviate some of the past

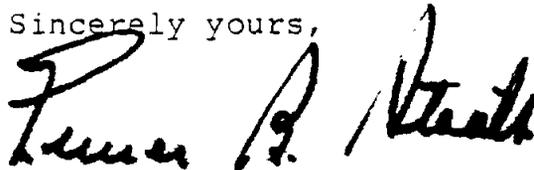
problems Justice has encountered in supplying budget and cost data supporting resource requests.

Additionally, uniform data on cases also appears feasible. While there are unique informational needs of each litigation group, some commonality could be achieved, such as the calendar time required to handle a case, case disposition, and current status. Automated case management systems permitting readily retrievable summary data now being developed or planned could have such standard features.

As agreed with your office, we did not obtain written comments from the Department of Justice on this report. However, we did discuss the information presented in the appendixes with Justice officials, and they agreed with the information presented. As arranged with your office, unless you publicly announce the contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time, we will then send copies to interested parties and make copies available to others upon request.

We hope this report will assist your Subcommittee's efforts toward improving the capabilities of Justice's management information systems.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas A. Stead". The signature is written in a cursive, slightly slanted style.

Comptroller General  
of the United States

Although this report covers only litigation-related information systems, the congressional concern over the quality of available information encompasses other Justice components as well. The widely publicized inability of the Immigration and Naturalization Service to determine the number of Iranian students in this country is a good example. In this regard, the House Subcommittee on Government Information and Individual Rights is closely monitoring Justice's efforts to improve the Service's data collection.

In past years, OMB has repeatedly requested Justice to improve its litigation management activities by asking that it develop meaningful workload indicators and priorities to support budget requests. OMB has stated that the lack of caseload data has caused severe difficulties in evaluating Justice's requests for additional resources for the litigation divisions and U.S. attorneys' offices.

During prior audits of litigation programs and activities, we found little in the way of summary information maintained by Justice. This situation has resulted in us either devoting considerable time and effort to collect data or being forced to rely on Justice's estimates and projections. Some examples of specific situations follow.

- A House Subcommittee Chairman asked us to determine resources devoted by the Justice Department to white-collar crime and public corruption activities. The figures we reported were mostly estimates by Justice officials and were not verifiable because Justice lacked the detailed actual information. (Resources Devoted by the Department of Justice to Combat White-Collar Crime and Public Corruption, GGD-79-35, dated Mar. 19, 1979.)
- A review of the Justice Department's enforcement of the Voting Rights Act showed that data which would permit an evaluation of the effectiveness of the act's examiner and observer programs had not been developed. We recommended that the Attorney General develop data on cost, minority participation, and impact for evaluating

the examiner and observer programs. Justice, in commenting on our report, said the Federal Elections Commission was planning to develop an information system, so a Justice system would be duplicative. (Voting Rights Act--Enforcement Needs Strengthening, GGD-78-19, Feb. 6, 1978.)

--In 1978, we reported that Justice does not exercise control over U.S. attorneys' prosecutive discretion. Therefore, the U.S. attorneys are operating independently and making different prosecutive decisions. Compounding this problem is the fact that no mechanism existed to monitor the various prosecutive decisions taking place to insure that the discretionary process operates fairly. (U.S. Attorneys Do Not Prosecute Many Suspected Violators of Federal Laws, GGD-77-86, Feb. 27, 1978.)

--The Chairman of the House Subcommittee on Government Information and Individual Rights requested that we provide information on certain lawsuits filed against the Government. The Justice Department did not maintain a summary list of the lawsuits the Subcommittee was interested in. To ascertain the number of lawsuits filed against the Government, we had to extensively search the index and docket cards in those divisions and sections which ordinarily handled the lawsuits the Subcommittee desired information on. Once we identified the lawsuits, we had to review the case files to determine if they were pertinent to the Subcommittee's interest. (Lawsuits Against the Government Relating to a Bill to Amend the Privacy Act of 1974, GGD-77-21, May 6, 1977.)

#### JUSTICE STUDY CONFIRMS THE LACK OF AVAILABLE INFORMATION

The Deputy Attorney General directed the Office of Management and Finance to comprehensively examine Justice's litigation management. The purpose of the study was to describe and evaluate the existing system of managing litigation activities. The study was completed in January 1977 and examined the roles, relationships, and activities of the U.S. attorneys, the litigation divisions, and the Executive Office for U.S. Attorneys.

The study concluded that Justice did not have a comprehensive litigation strategy or information systems which could provide management data to measure, track, and evaluate litigation activities. Some of the study's findings and conclusions are highlighted below.

- Managers had no clear understanding or general acceptance of the litigation goals of the Department. Relatively major differences in goals were noted between U.S. attorneys and litigation division attorneys. The study stated that the importance of clear and agreed-upon goals are a prerequisite to (1) providing a foundation for policy which shapes broad planning and program decisions and (2) establishing a general framework to give direction for case decisions made by litigation staff.
- Department policies and directives revealed little evidence of case type priorities, and almost every case type was considered of high priority or low priority depending on which U.S. attorney was asked. This situation raised a question as to whether Justice was coordinating and directing the harmonious application of its litigation effort.
- No method existed for accurately determining the number of work years devoted to a particular case type or program. The conclusion was that litigation programs needed better information systems if coordinated and complementary programs were to be implemented.
- Justice uses caseload statistics to measure litigation workload. However, this measurement is inadequate because it does not show relationships between case types, complexity, and staff time required to complete a case. The study concluded that a case weighting system was needed to determine the time needed to handle the various types of cases received.

PAST MISSING DATA FOR  
PROVIDING SUMMARY INFORMATION

Why has there been so little summary information available? The basic cause has been the lack of information systems detailing how staff time is used and containing readily retrievable or reliable data on individual cases and/or matters. This has been critical to Justice's inability to provide summary statistics for management and evaluation purposes.

LIMITED SUMMARY DATA ON RESOURCE UTILIZATION

People are the primary resource of the litigation divisions and U.S. attorney offices. These components, however, have generally lacked time reporting systems which provide summary data on how staff resources were spent. As a result, summary information could not be provided, and the decisionmaking and evaluation process was hampered.

In the absence of information systems on how attorneys and other staff spend their time, many potential elements of an adequate management information system are not available. For example, missing are summary statistics on staff time devoted to individual cases and/or matters, resources devoted to particular case types (such as drugs or white-collar crime), and time devoted to particular steps in the litigation process (such as investigation, preparation of briefs, and depositions). As a result of this shortfall, the Justice Department is automatically precluded from obtaining hard data on litigation costs.

Without information of this nature, it is obvious that management assessments and decisions cannot be systematic in a number of areas. For example

- measurement and comparison of attorney workloads is almost impossible,
- assurance that optimal decisions are made in allocating the Justice's staff resources is minimal,

--determination that resources go to priority areas is impossible, and

--comparison of the costs of various litigation efforts with the benefits is difficult.

Justice's inability to relate staff time expended on individual or categories of cases to its total caseload somewhat explains the difficulties OMB has had in evaluating Justice's requests for additional resources. This situation also explains the difficulties we have had during our audits in obtaining cost data as well as other resource-related information on litigation efforts.

SUMMARY DATA ON CASES/MATTERS NOT  
READILY RETRIEVABLE OR INACCURATE

In the past, some of the litigation divisions relied on manual systems for recording data on individual cases and matters. Specifically, these were the Civil, Civil Rights, and Criminal Divisions. Card files were maintained which recorded such items as case name, number, and legal section responsible for the case. Because the system was maintained manually, detailed summary information on the thousands of cases and matters handled could not be easily generated. Available data was limited to general statistics on the total number of cases received, pending, and terminated for a particular time period.

The Tax Division and Executive Office for U.S. Attorneys have automated systems that provide summary data on their cases and matters. In both components, however, the summary reports were inaccurate and have not been prepared on a timely basis. Both components have been making efforts to improve their information systems. (See pp. 12 and 15.)

When systems capable of reporting data on individual cases and matters in a timely and reliable manner are lacking, it is impossible to quickly accumulate summary information. Information containing statistics on case types, case status, case disposition, and calendar time required to complete the case would prove useful and beneficial to the Department.

Without adequate summary information, analysis and evaluation is not possible. For example, if summary information was readily available a variety of analyses or evaluations could be made, as shown below.

- Analyses showing calendar time required for litigating various categories of cases.
- Analyses of prosecutive decisions made on cases and whether they are consistent.
- Evaluations measuring scope, progress, and results of litigation programs.
- Analyses of case resolutions in terms of convictions, sentences, judgments, and judgment collections.

Aside from the lack of automated case reporting systems, Justice's case classification procedures and its goals and priorities have been inconsistent. The Attorney General has designated white-collar crime as a top priority within Justice. However, cases are usually classified according to the statutory violation in question. White-collar crime situations fall under the purview of many different Federal laws. Thus, it is not surprising that past attempts to determine the extent of Justice's efforts in various priority areas have proved unsuccessful or have resulted in merely estimates of efforts.

CHRONOLOGY OF JUSTICE EFFORTS TO  
IMPROVE MANAGEMENT INFORMATION SYSTEMS

On August 1, 1977, the Attorney General noted that OMB had been requesting Justice to improve the management of its litigation activities. Since the Department had not fully complied with OMB's request, its efforts to obtain additional litigative resources were not receiving OMB's full support. The Attorney General pointed out that effective litigative management depended upon accurate caseload data and proper policy direction.

In this connection, he directed that litigative activities include planning and evaluation resources in the fiscal year 1979 budget. He also established a task force to develop a departmentwide case weighting and workload measurement system by July 1, 1978, and requested development of criminal and civil litigative priorities within 6 months.

In October 1977, the task force reported that the litigation divisions were in various stages of implementation regarding workload measurement systems, noting that the various groups perceived their activities and information needs differently. The task force concluded that uniform workload measures would be difficult to develop and implement in a short timeframe. It said the most expeditious way to obtain workload measurement data by the next budget cycle was to allow the parallel development of information systems for the litigative activities to satisfy their own internal management requirements. The task force said it hoped this process would be completed around July 1978.

Though different systems were being adopted, each organization proceeded with the understanding that its efforts should include accounting for actual utilization of attorney time, accurate statistics on cases and matters, and a provision for inclusion of a case weighting system when litigation priorities had been established. The Associate Attorney General approved this approach, and by February 1978 the litigation divisions had established

case type priorities. The criteria used to distinguish important cases from average or minor ones were also developed.

In February, the task force concluded that not all litigation divisions would be able to implement workload measurement systems by July 1978. It reported that the initial effort had been directed toward measurement of attorney time. It was also noted that (1) the six litigation divisions and the Executive Office for U.S. Attorneys were in varying stages of progress, (2) varying levels of experience and expertise in designing and implementing information systems made it impossible for all to proceed at the same pace, (3) the divisions were still defining their internal management needs and could not yet identify their common features, and (4) residual resistance to attorney timekeeping still existed due to a briefly imposed system in 1971 which had been cumbersome.

The most recent evaluation of the various efforts underway was made by the Office of Management and Finance in September 1978. In appraising the existing situation, a number of problem areas were cited. Among these were that the differing divisional data collection efforts and approaches would inhibit or prevent cross-divisional comparisons. It pointed out that there was no central management of the various efforts to facilitate the ultimate development of an integrated departmentwide system. It also noted that the resources being applied to the task were insufficient, and that it would take several years for all divisions to complete their management information systems efforts.

Justice officials have said that they plan to consider the feasibility and desirability of a departmentwide uniform management information system upon completion of the efforts by each litigation division. It should be noted, however, that the efforts of the litigation divisions may take several years to complete.

OVERVIEW OF JUSTICE EFFORTS TO  
IMPROVE MANAGEMENT INFORMATION SYSTEMS

Justice has taken a number of actions designed to improve litigation management and related information systems. The efforts fall into several interrelated areas.

In the area of timekeeping, most litigation divisions reviewed are either collecting or planning to collect employee time data--albeit by different means, frequency, and level of detail. This data could be used for budget justifications and distribution of workload and will be useful in validating the efforts of case weighting systems. The case weighting concept is a method for assessing case complexity. Justice officials have stated that the litigation divisions use case weights now to support budget forecasts, however, the validity of the weights is questionable without hard data on staff utilization. All the litigation divisions have developed schemes for prioritizing caseloads. According to Justice's most recent assessment, however, Justice is devoting little effort to an attorney timekeeping system which would provide the Justice Department the ability to systematically analyze time being spent by case priority.

In the area of case management, most divisions have automated or are planning to automate case file data. This approach will permit the divisions to readily retrieve data on the individual cases and matters. Appendix V contains details by each division reviewed on their efforts toward improving case management information systems.

As mentioned earlier, Justice opted to allow the litigation divisions to design and implement information systems which would meet their respective needs. It considered this approach the quickest way of improving its litigation management. Currently, the divisions are in varying stages of completion and it may take several years to complete all divisional systems. During the last 2 years, Justice spent or committed about \$1 million on active projects to improve information systems in the litigation components we reviewed.

Not surprisingly, the litigation divisions have taken differing approaches in their efforts to improve management information systems. As a result, the format and information available will not be consistent across organizational lines. Justice recognizes that uniform information transcending divisional lines will not result from the present efforts. However, Justice plans to consider the desirability and feasibility of developing a uniform management information system.

The Senate Committee on the Judiciary, in its Justice authorization bill (S. 1157, dated May 15, 1979), calls upon Justice to submit a plan by January 1, 1980, for the development of compatible, comprehensive case management information and tracking systems for the litigation divisions and U.S. attorneys' offices. The House Government Information and Individual Rights Subcommittee has expressed a similar view. We agree in principal with the need for some uniform reporting, and this could include staff time spent on each case, case status, and case disposition. (See p. 2.)

While much remains to be done, Justice is now, at long last, making a major effort toward improving the availability of information on its litigation activities. At present, it is too early to assess the success of these efforts; but considering the past situation, it is clear the steps being taken are a move in the right direction.

EFFORTS AND PROGRESS IN THE  
JUSTICE COMPONENTS REVIEWED

This appendix synthesizes the management information systems the litigation activities have been using, past attempts to improve them, systems that have been recently implemented, and the current efforts or plans for making improvements.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS

For a number of years, the Executive Office has had an automated Docket and Reporting System providing summary data on U.S. attorneys' offices. The information reported is used to prepare the annual United States Attorneys' Offices Statistical Report. This report provides a variety of summary data, including statistics on total cases pending, received, and terminated; age of cases; range of the dollar amount of civil suits; and other information. The Docket and Reporting System has been criticized internally for providing inaccurate or obsolete data and for being archaic and cumbersome.

Two past efforts to improve management information proved unsuccessful. In November 1970, the Department of Justice began work on a Justice Information Management System (JIMS). Terminals in U.S. attorneys' offices were to be used to enter new cases/matters, change status information, collect data, and provide sentencing information. JIMS was terminated in 1973 because numerous completion dates were missed, system hardware and software design was questionable, and the system was not expected to be made operational until 1979.

In 1974, Justice began work on an Automated Caseload and Collections System (ACCSYS). Some of the functions of this system were capturing cases/matters referred to U.S. attorneys, tracking and generating caseload statistics, and developing case complexity data, to be reported via terminals at the U.S. attorneys' offices. In July 1978 a Justice internal audit report disclosed that a feasibility study of ACCSYS had never been performed nor had measurable objectives been established. Additionally,

the report stated that the system was beset with technical and performance problems. The internal auditors were unable to determine exactly what had been spent on ACCSYS. However, we determined that over \$2 million had been spent on the system. The report noted that several pilot systems had been installed, and it recommended that no further installation of the system take place. The Executive Office concurred with this recommendation. An official in the Executive Office told us there are no plans to install ACCSYS nationwide.

An official in the Executive Office advised us that about a year ago they began collecting data on attorney resources devoted to selected program categories, such as white-collar crime and official corruption. However, the data being accumulated represents estimates provided by U.S. attorney offices rather than a formal time reporting system.

This official also informed us that two contracts have been awarded to the Institute for Law and Social Research to study and identify ways to improve the U.S. attorneys operations. One involves a \$60,000 effort to develop information requirements. This is a prelude to developing a management information system for Federal prosecutors similar to the Prosecutor's Management Information System in use by some State and local prosecutor organizations. The other involves a \$275,000 contract for developing criteria for a case weighting system.

Another official in the Executive Office advised that installation of a formal time reporting system is now under consideration. This official added that the Executive Office hopes to have a time reporting system in place by October 1980. However, at this time the specifics of the system have not been determined.

#### CIVIL DIVISION

The Division uses a manually prepared monthly statistical report showing by section the number of cases beginning, received, terminated, and pending. The statistical report also contains data by section on the amount of money being claimed and collections made during the month. The Division also uses an attorney workload report

showing the type and number of cases assigned each attorney. For case management purposes, the Division uses a manual docket card system which does not permit ready retrieval of summary data on the many thousands of cases.

In January 1979 the Division began automating case file information. Twenty-nine data elements are being recorded, including the date the case was received, amount claimed, case type, and case weight. A Division official stated that there are plans to develop an attorney time reporting system but no information is available on the options or approaches being considered. The Division also intends to develop a case status reporting system, but again no details are presently available.

#### CRIMINAL DIVISION

The Division uses a manual docket card system for case management and tracking purposes. Of the components reviewed, this Division is the only one that has had an attorney time reporting system for several years. The time reporting system tracks time by activities in litigation, such as liaison/coordination, supervisory/support, and direct/operational responsibility, each of which has several subcategories. From this system, the Division generates two summary reports (1) total staff time devoted by various categories, and (2) total cases/matters beginning, received, terminated, and pending.

The Division is now automating the total time charged to individual cases, type of activities performed on the case, and other data. The Division also has been directed to establish an information system for the economic crime enforcement units that are now being established. At this time, there are no details on this proposed information system.

#### CIVIL RIGHTS DIVISION

In the past, the Division used a manual docket card similar to the other legal divisions. A Division official said that, until recently, summary data on individual cases or staff utilization was not available.

In March 1978 the Division implemented a staff workload reporting system generating data on case types and number of cases by each section. In August 1978 an

automated docket/correspondence system went into effect generating reports showing case name and number, location of case, case status, and other data.

#### TAX DIVISION

In the past, the Division maintained manual index and classification cards which were used primarily as a locator system. The Division also had an automated case reporting system showing such data as case name and number, date received, kind and amount of suit, and case status. A Division official told us that the reports were not timely or accurate and will be abolished when the current case management improvements are completed.

In January 1978 a time reporting system was started to track total attorney time charged to a case as well as time devoted to various aspects of the case such as research, trial preparation, and court time.

The Division is automating its case file data. At this time, civil tax case files have been automated and contain data on the kind of tax suit, court issues involved, dollar amount of the suit, case status and other information. The Division plans to automate its criminal and appellate tax files in a similar manner. The Division also plans to automate information on settlement offers, collections, and disbursements so that it can track such things as offers made and/or rejected, compromises, amount of the judgment, and amount collected.

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